

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

§ Case No. 2:24-cv-00093-JRG
§ (Lead Case)

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§
§ **JURY TRIAL DEMANDED**
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VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORP.,

Defendant.

§ Case No. 2:24-cv-00064-JRG
§ (Member Case)

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§ **JURY TRIAL DEMANDED**
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**DECLARATION OF NATHANIEL NGEREBARA IN SUPPORT OF
INTERNATIONAL BUSINESS MACHINES CORP.'S MOTION
TO EXCLUDE CERTAIN OPINIONS OF ERIC KOSKINEN**

I, Nathaniel Ngerebara hereby declare:

1. I am a partner at the law firm of Kirkland & Ellis LLP, counsel for Defendant and Counter-Plaintiff International Business Machines Corp. (“IBM”) in the above-styled matter. I am a member of the Bar of the State of California, and am admitted to practice pro hac vice before this Court. I provide this declaration in support of IBM’s Motion to Strike Certain Opinions of Dr. Eric Koskinen. I have personal knowledge of the information set forth herein, and I could and would competently testify thereto if called as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from VirtaMove’s June 5, 2024 Preliminary Disclosure of Asserted Claims and Infringement Contentions and the attached U.S. Patent No. 7,519,814 Claim Chart.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from IBM’s June 4, 2025 Interrogatory Responses, including supplemental and original responses.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a letter sent by my colleague Todd Friedman to Reza Mirzaie (counsel for VirtaMove), dated September 18, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter sent by my colleague Kyle Calhoun to Reza Mirzaie (counsel for VirtaMove), dated December 12, 2024.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from VirtaMove’s technical expert, Dr. Eric Koskinen’s June 23, 2025 Opening Expert Report.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from VirtaMove’s technical expert, Dr. Eric Koskinen’s July 14, 2025 Rebuttal Expert Report.

8. Attached hereto as **Exhibit 7** is a true and correct copy of VirtaMove’s June 11, 2025 Fourteenth supplemental objections and responses to Defendants’ First Set Common Interrogatories Nos. 1-9.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from VirtaMove's July 1, 2024 Corrected Preliminary Disclosure of Asserted Claims and Infringement Contentions and the attached U.S. Patent No. 7,519,814 Claim Chart.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from VirtaMove's November 5, 2024 Supplemental Preliminary Disclosure of Asserted Claims and Infringement Contentions.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email from Christian Conkle (counsel for VirtaMove) to me, dated July 17, 2025.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from IBM's technical expert, Dr. Stephen Wicker July 15, 2025 Corrected Rebuttal Expert Report.

13. My firm has applied highlighting to **Exhibits 1-9, and 11** consistent with the guidance in Local Rule CV-7(b).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28 day of July, 2025 in San Francisco, CA.

/s/ Nathaniel Ngerebara
Nathaniel Ngerebara

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on July 28, 2025, with a copy of this document via electronic mail.

/s/ Todd M. Friedman
Todd M. Friedman